

UNITED STATES BANKRUPTCY COURT, WESTERN DISTRICT OF WISCONSIN

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CHAPTER 13 PLAN (Individual Adjustment of Debts)

- ☒ Original Plan
☐ Amended Plan (Indicate 1st, 2nd, etc. Amended, if applicable)
☐ Modified Plan (Indicate 1st, 2nd, etc. Modified, if applicable)

DEBTOR: Gail L. Smith JOINT DEBTOR: _____ CASE NO.: _____
 SS#: xxx-xx-2535 SS#: _____

I. NOTICES

- To Debtors: Plans that do not comply with local rules and judicial rulings may not be confirmable. All plans, amended plans and modified plans shall be served upon all creditors and a certificate of service filed with the Clerk pursuant to Local Rules 3015-1, 3015-2, and 3015-3.
- To Creditors: Your rights may be affected by this plan. You must file a timely proof of claim in order to be paid. Your claim may be reduced, modified or eliminated.
- To All Parties: The plan contains no nonstandard provisions other than those set out in paragraph VIII. Debtor(s) must check one box on each line listed below in this section to state whether the plan includes any of the following:

The valuation of a secured claim, set out in Section III, which may result in a partial payment or no payment at all to the secured creditor	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not included
Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section III	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not included
Nonstandard provisions, set out in Section VIII	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not included

TO ALL PARTIES:

Unless otherwise provided for in this plan, the Trustee shall disburse payments in the following order: administrative expenses including trustee and attorney fees, secured claims, priority claims, general unsecured claims.

II. PLAN PAYMENTS, LENGTH OF PLAN AND DEBTOR(S)' ATTORNEY'S FEE

- A. **MONTHLY PLAN PAYMENT:** This Plan pays for the benefit of the creditors the amounts listed below, including trustee's fees beginning 30 days from the filing/conversion date. Debtor(s) will make payments by employer wage order, unless otherwise specified herein. The payments must be made for the Applicable Commitment Period, either 36 or 60 months, or for a shorter period that is sufficient to pay allowed nonpriority unsecured claims in full.

1. \$ 985.66 for 60 months;

The total amount of estimated payments to the trustee: **\$59,139.60**

B. **DEBTOR(S)' ATTORNEY'S FEE:** ☐ NONE ☐ PRO BONO

Total Fees: **\$3,500.00** Total Paid: **\$1,500.00** Balance Due: **\$2,000.00**
 Payable _____/month (Months _____ to _____)

III. TREATMENT OF SECURED CLAIMS

A. **SECURED CLAIMS:** ☐ NONE

[Retain Liens pursuant to 11 U.S.C. §1325(a)(5)] Mortgage(s)/Lien on Real or Personal Property:

1 Creditor: **Ditech**
 Address: **Attn: Bankruptcy; Po Box 6172; Rapid City, SD 57709** Arrearage/Payoff on Petition Date **12,786.37(A)**
Arrears Payment (Cure) paid pro rata

Account No.: _____ Account No: xxxxxxxxx5172

Other: _____

☒ Real Property
☒ Principal Residence
☐ Other Real Property
 Address of Collateral: **2461 Arnott Drive Tomahawk, WI 54487**

☐ Personal Property/Vehicle

Check one below for Real Property:
☒ Escrow is included in the regular payments
☐ The debtor(s) will pay ☐ taxes ☐ insurance directly

Debtor(s): **Gail L. Smith** Case number:

Description of Collateral:

2 Creditor: Covantage Credit Union

Address: **723 6th Ave; Antigo, WI 54409** Arrearage/Payoff on Petition Date **23,326.00 (payoff)**
Regular Payment **paid pro rata**

Account No.: Account No:

xxxxxx0001

Other: **paid at 8.05% interest rate, \$200 adequate protection payment**

☐ Real Property

☐ Principal Residence

☐ Other Real Property

Address of Collateral:

Check one below for Real Property:

☐ Escrow is included in the regular payments

☐ The debtor(s) will pay ☐ taxes ☐ insurance directly

☒ Personal Property/Vehicle

Description of Collateral: **2012 Chevrolet Silverado1500
VIN#1GCRKSE73SE73CZ267975**

3 Creditor: Wells Fargo Dealer Services

Address: **Attn: Bankruptcy; Po Box 19657; Irvine, CA 92623** Arrearage/Payoff on Petition Date **\$7,627.99 (payoff)**
Regular Payment **paid pro rata**

Account No.: Account No:

xxxxxxxx6618

Other: **paid at 11.99% interest rate; \$200 adequate protection payment**

☐ Real Property

☐ Principal Residence

☐ Other Real Property

Address of Collateral:

Check one below for Real Property:

☐ Escrow is included in the regular payments

☐ The debtor(s) will pay ☐ taxes ☐ insurance directly

☒ Personal Property/Vehicle

Description of Collateral: **2010 Chevrolet Malibu
VIN#1G1ZB5EB8AF240963**

B. VALUATION OF COLLATERAL: ☒ NONE

IF YOU ARE A SECURED CREDITOR LISTED BELOW, THE PLAN SEEKS TO VALUE THE COLLATERAL SECURING YOUR CLAIM IN THE AMOUNT INDICATED, A SEPARATE MOTION WILL ALSO BE SERVED UPON YOU PURSUANT TO BR 7004 AND LR 3015-1.

C. LIEN AVOIDANCE ☒ NONE

D. SURRENDER OF COLLATERAL: Secured claims filed by any creditor granted stay relief in this section shall not receive a distribution from the Chapter 13 Trustee.

☒ NONE

☐ The debtor(s) elect to surrender to each secured creditor listed below the collateral that secures the creditor's claim. The debtor(s) request that upon confirmation of this plan the automatic stay be terminated in rem as to the debtor(s) and in rem and in personam as to any codebtor(s) as to these creditors.

☐ Other:

E. DIRECT PAYMENTS:

☐ NONE

☒ The debtor(s) elect to make current payments directly to each secured creditor listed below. Nothing herein is intended to terminate or abrogate the debtor(s)' state law contract rights.

Name of Creditor Account No. Description of Collateral (Address, Vehicle, etc.)

Debtor(s): **Gail L. Smith** Case number:

Name of Creditor	Account No.	Description of Collateral (Address, Vehicle, etc.)
1. Ditech	xxxxxxxxx5172	2461 Arnott Drive Tomahawk, WI 54487 Oneida County 2016 Property Tax Bill Lists Estimated FMV @ \$92,700

IV. TREATMENT OF FEES AND PRIORITY CLAIMS [as defined in 11 U.S.C. §507 and 11 U.S.C. §1322(a)(4)]

A. ADMINISTRATIVE FEES OTHER THAN DEBTORS(S)' ATTORNEY'S FEE: ☒ NONE

B. PRIORITY TAX CLAIMS: ☒ NONE

C. DOMESTIC SUPPORT OBLIGATION(S): ☒ NONE ☐ CURRENT AND PAID OUTSIDE

D. OTHER: ☒ NONE

V. TREATMENT OF UNSECURED NONPRIORITY CREDITORS

A. Pay **pro rata** /month

Pro rata dividend will be calculated by the Trustee upon review of filed claims after bar date.

B. ☐ If checked, the Debtor(s) will amend/modify to pay 100% to all allowed unsecured nonpriority claims.

C. SEPARATELY CLASSIFIED: ☒ NONE

VI. EXECUTORY CONTRACTS AND UNEXPIRED LEASES: Secured claims filed by any creditor/lessor granted stay relief in this section shall not receive a distribution from the Chapter 13 Trustee.

☒ NONE

VII. INCOME TAX RETURNS AND REFUNDS: ☒ NONE

☒ The debtor(s) is hereby advised that the chapter 13 trustee has requested that the debtor(s) comply with 521(f) 1-4 on an annual basis during the pendency of this case. The debtor(s) will not provide tax returns unless requested by any interested party pursuant to 11 USC 521. If returns are requested, the debtor(s) hereby acknowledge that the deadline for providing the Trustee with their filed tax returns is on or before May 15 of each year the case pending.

VIII. NON-STANDARD PLAN PROVISIONS: ☐ NONE

☒ Nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included in the Local Form or deviating from it. Nonstandard provisions set out elsewhere in this plan are void.

Debtor will make payment directly without wage order.

Plan is modified to pay CoVantage Credit Union the value of \$23,326 with an interest rate of 8.05% as listed in POC#1; Ditech the arrears of \$12,786.37 as listed in POC#2; Wells Fargo the value of \$7,627.99 with an interest rate of 11.99% as listed in POC#3; and to pay the unsecured creditors pro rata. Also to add the following language: If any post-petition claims are filed under Rule 3002.1(c) during the term of this plan, the trustee will disburse funds on the claim. Debtor(s) will modify the plan if necessary to maintain plan feasibility.

☐ Mortgage Modification Mediation

PROPERTY OF THE ESTATE WILL VEST IN THE DEBTOR(S) UPON PLAN CONFIRMATION.

I declare that the foregoing chapter 13 plan is true and correct under penalty of perjury.

/s/ Gail L. Smith Debtor May 22nd, 2018
Gail L. Smith Date

/s/ Todd C. Buss May 22nd, 2018
Todd C. Buss 1001647 Date
Attorney with permission to sign on Debtor(s)' behalf

By filing this document, the Attorney for Debtor(s) or Debtor(s), if not represented by counsel, certifies that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in Local Form Chapter 13 Plan and the plan contains no nonstandard provisions other than those set out in paragraph VIII.